

Docket No.: 0020-5615PUS1
(Patent)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application of:

Masaya TANAKA

Application No.: 10/519,941

Confirmation No.: 5052

Filed: December 29, 2004

Art Unit: 3771

For: CARBON DIOXIDE EXTERNAL
ADMINISTRATION DEVICE

Examiner: C. T. Ostrup

REQUEST FOR REFUND

MS 16

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I. REFUND REQUEST

This is a request for a refund with respect to the charge to Deposit Account No. 02-2448 shown on the statement for the month of February 2010 for the above-identified

☒ application ☐ patent

☐ A copy of the monthly statement is enclosed.

II. FEES CHARGED FOR WHICH REFUND REQUESTED

| | AMOUNT OF REFUND REQUESTED |
|--|----------------------------------|
| <input type="checkbox"/> filing fee | |
| <input type="checkbox"/> search fee | |
| <input type="checkbox"/> examination fee | |
| <input type="checkbox"/> surcharge for filing the basic filing fee or oath/declaration on a date later than the filing date of the application (37 C.F.R. § 1.16(e)) | |
| <input type="checkbox"/> extension of term | |
| <input type="checkbox"/> first month | |
| <input checked="" type="checkbox"/> second month | \$245.00 |
| <input type="checkbox"/> third month | |
| <input type="checkbox"/> fourth month | |
| <input type="checkbox"/> fifth month | |
| <input type="checkbox"/> excess claims | |
| <input type="checkbox"/> issue fee | |
| <input type="checkbox"/> petition fee | |
| <input type="checkbox"/> patent maintenance fee | |
| <input type="checkbox"/> first maintenance fee | |
| <input type="checkbox"/> second maintenance fee | |
| <input type="checkbox"/> third maintenance fee | |
| <input type="checkbox"/> patent maintenance fee surcharge | |
| <input type="checkbox"/> Other | |
| <input type="checkbox"/> | |
| <input type="checkbox"/> | |
| <input type="checkbox"/> | |
| TOTAL REFUND REQUESTED | \$245.00 |

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

Applicant advertently paid “large” entity fees for a second month extension even though “small” entity status was confirmed by the letter filed October 6, 2008. Below is the Deposit Account information.

| <u>Date</u> | <u>Reference No.</u> | <u>Docket Number</u> | <u>PTO Fee Code</u> | <u>BSKB Cost Code</u> | <u>Fee</u> |
|-------------|----------------------|----------------------|-----------------------------|-------------------------------|------------|
| 3-Feb | 10519941 | 0020-5615PUS1 | 1252 | DX | \$490.00 |

IV. REFUND OF 50% OF FEES

- ☐ enclosing a copy of the written Assertion of Small Entity Status
- ☐ filed herewith
- ☐ filed on October 6, 2008

V. MANNER OF REFUND

It is respectfully requested that the excess fee of **\$245.00** be credited to Deposit Account No. 02-2448.

VI. REMARKS

Pursuant to 37 C.F.R. § 1.28(a), applicants hereby request a refund of 50% of the Filing Fee. Small entity status has been established by the filing of a written assertion/statement on October 6, 2008.

Small entity applicants may file the necessary Statement within three (3) months of the date of payment of any particular fee and request a refund. The present application qualifies for the reduced fees as implemented by the U.S. Patent and Trademark Office on October 1, 1982, and further amended on January 20, 1983 and September 8, 2000.

Favorable action on the present Request is respectfully requested.

Dated: April 7, 2010

Respectfully submitted,

By


Andrew D. Meikle

Registration No.: 32868

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Attachment